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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,178	06/13/2000	Veselin Brankovic	450103-02669	5448
20999	7590	02/18/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRINH, SONNY	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 02/18/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,178

Applicant(s)

BRANKOVIC ET AL.

Examiner

Sonny TRINH

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-33 and 52-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-33 is/are allowed.
- 6) ☒ Claim(s) 52-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. CONTINUED EXAMINATION UNDER 37 CFR 1.114 AFTER FINAL REJECTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/23/03 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 52-60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 52, 55-58** are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese Patent Application by NEC (herein after "NEC" JPO 09233093A).

Regarding **claim 52**, the NEC document discloses a wireless transmission system (figure 3) comprising a fixed hub connected to an information source (inherent), said fixed hub provided with a wide angle beam antenna (see attached abstract); and user terminal provided with narrow beam antenna (abstract, figure 3); wherein content from said information source is downloaded to said user terminal via said fixed hub (inherent) within only a small localized area of said fixed hub (abstract, figure 3, the position of the base station on the ceiling indicates that this is a small localized area). However, the NEC document does not explicitly disclose that the user terminal is a hand held mobile terminal.

However, wireless LANs have been known to provide wireless connection to mobile hand held devices such as mobile telephone and it would have been obvious and well within the level of a person of ordinary skill in the art at the time of the invention to expand the capabilities of the WLAN to communicate with mobile station as well.

Regarding **claim 55**, the NEC document discloses the invention but does not explicitly disclose that the small localized are is within 20 meters of said fixed hub. It would have been an obvious matter of design choice to reduce the localized area to within 20 meters of the hub, since such a modification would have involved a mere change in the power of the transmission equipment. A change in size is generally recognized as being within the level of ordinary skill in the art.

Regarding **claim 56**, the NEC document discloses that said fixed hub is one of a plurality of fixed hubs (figure 3). Furthermore, the NEC document does not support the hand-over between fixed hubs.

Regarding **claim 57**, since the NEC document is about a WLAN, it is inherent that said fixed hub is adapted to upload information from said mobile terminal.

Regarding **claim 58**, Breeden teaches the invention but does not disclose that the system is designed for the transmission of data in the 60 GHz range. However the use of the 60 Ghz frequency range for high bit rate data transmission is well known and widely used in Europe and also in Japan for its unlicensed requirement and the Examiner takes Official Notice of such high bit rate (60 GHz.). The motivation for using the 60 GHz. bit rate is for high speed data transmission that do not require any license.

4. **Claims 53-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application by NEC (herein after "NEC" JPO 09233093A) in view of Fischer et al. (Fischer; U.S. Patent Number 6,360,075).

As to **claim 53**, the NEC document discloses the invention except for the fixed hub is provided with an antenna with a kidney shaped in cross section. In an analogous art, Fischer teaches the system and method for transmitting data. Fischer further teaches the hub is provided with an antenna with a kidney shaped in cross section ("cardioid" column 4 line 51 to column 5 line 9).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of the NEC, the kidney shaped

antenna, as taught by Fischer to reduce potential interference between transmissions from subscribers and transmissions to central hub (see cited passage).

As to **claim 54**, the NEC discloses that the antenna is mounted on a ceiling (abstract, figure 3), however, the combination of the NEC and Fischer does not disclose that said kidney shape beam has a local minimum level in said cross section in a direction opposing said ceiling. However, this claim merely add the intention of using the system in various environments and are obvious to one of ordinary skill in the art.

5. **Claims 59-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application by NEC (herein after "NEC" JPO 09233093A) in view of Kawamoto et al. ("Kawamoto"; U.S. Patent Number 6,341,133).

As to **claim 59**, the NEC document discloses the invention except for said information source is a broadband data highway including video contents. In an analogous art, Kawamoto teaches an information providing apparatus and portable communication terminal to receive multimedia / broadband information (column 2 lines 55 to column 3 line 28, claims 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system disclosed by NEC, the broadband/multimedia, as taught by Kawamoto so that the user can enjoy the rich information (multimedia/broadband) afforded by the broadband (bandwidth) taught by Kawamoto.

Regarding **claim 60**, Kawamoto further teaches that said contents includes contents of news information centers (column 14, specifically lines 22-40).

Allowable Subject Matter

6. **Claims 22-33** were allowed by the previous Office action (paper number 16).

Conclusion

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks
Washington, D.C. 20231*

or faxed to:

(703) 872-9306, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6th Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Sonny Trinh

Patent Examiner
2/13/04


**SONNY TRINH
PATENT EXAMINER**